

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 5TH JUDICIAL DISTRICT, CRITTENDEN, UNION AND WEBSTER DISTRICT COURTS

Upon recommendation of the Judge of the 5TH Judicial District, Crittenden, Union and Webster District Courts, and being otherwise sufficiently advised,

The amendments to the Local Rules of practice for Crittenden, Union and Webster District Courts are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 30 day of April, 2008.



CHIEF JUSTICE

**LOCAL RULES FOR DISTRICT COURT FOR
THE 5TH JUDICIAL DISTRICT
CRITTENDEN, UNION AND WEBSTER COUNTIES, AS AMENDED**

In order to efficiently and effectively handle cases before the District Court, the Court hereby adopts the following Local Rules:

(1) **COURT SCHEDULES** - This is a general outline of Court schedules - dates are subject to change due to holidays and conferences. Please check with the local clerk. Due to increasing caseloads, the Court cannot guarantee a case will be heard at its appropriated time.

(A) **CRITTENDEN COUNTY** - Court is held regularly every Wednesday beginning at 9:00 a.m. subject to the following:

(1) 1st, 2nd, 3rd, 4th and 5th Wednesdays

9:00 a.m.

Probate, Arraignments

10:00 a.m.

Preliminary Hearings

Pretrial Conferences

1:30 p.m.

Juveniles/Guardians (1st and 3rd Wednesdays)

(2) 2nd Wednesday

9:00 a.m.

Probate, Arraignments

10:00 a.m.

Preliminary Hearings

Pretrial Conferences

1:30 p.m.

Show Cause Hearings

(3) 3rd Wednesday

9:00 a.m.

Probate and Arraignments

10:00 a.m.

Pretrial Hearings

Pretrial Conferences

1:30 p.m.

Juvenile/Guardianships (1st & 3rd Wednesdays)

Small Claims and Forcible Detainers, Post Judgment Discovery and Civil Motions

(4) 4th Wednesday

9:00 a.m.

Probate, Arraignments and Preliminary Hearings

10:00 a.m.

Jury Trials

- (5) Special dates may be scheduled upon request. Emergency cases will be scheduled as needed.

(B) **UNION COUNTY**

Regular Court is held every Thursday subject to the following schedule:

(1) 8:30 a.m.

Closed Circuit Jail Arraignments

8:45 a.m.

Probate

9:00 a.m.

Arraignments

10:30 a.m.

Pretrial Conferences

Preliminary Hearings

1:30 p.m.

2nd & 4th Thursdays – Forcible Detainers/Small Claims, Post Judgment Discovery and Civil Matters

2:00 p.m.

1st and 3rd Thursdays - Juveniles/Guardianships

(2) 1:30 p.m.

2nd Mondays - Show Cause Hearings

(3) 2nd & 4th Fridays - Jury Trials at 9:00 a.m.

- (4) Special dates may be scheduled upon request. Emergency cases will be scheduled as needed. Hardships shall be heard on Fridays.

(C) **WEBSTER COUNTY**

Court is generally held every Tuesday of the month, subject to the following schedule:

1st Tuesday

(1)

8:30 a.m.

Closed Circuit Jail Arraignments

8:45 a.m.

Probate

9:00 a.m.

Arraignments and Preliminary Hearings

11:00 a.m.

Jury Trials

(2) 2nd, 3rd, 4th, and 5th Tuesdays

8:30 a.m.

Closed Circuit Jail Arraignments

8:45 a.m.

Probate

9:00 a.m.

Arraignments (every Tuesday)

10:00 a.m.

Pretrial Conferences

Preliminary Hearings

1:00 p.m.

2nd and 4th Tuesday

Juveniles

Guardianships - any Tuesday @ 1:00

(3) 1st & 3rd Tuesday

1:30 p.m.

Small Claims, Forcible Detainers, Post Judgment Discovery and Civil Motions

(4) 2nd Monday

9:00 a.m.

Show Cause Hearings

(5) Special dates may be schedule upon request. Emergency cases will be scheduled as needed.

(2) **PRETRIAL CONFERENCES AND JURY TRIALS IN THE 5TH JUDICIAL DISTRICT**

(1) Pretrial Conferences will be scheduled approximately one (1) – two (2) weeks prior to the trial date.

(2) **Parties to be present**

(A) The Defendant and Complaining party, victim and/or witness **SHALL** be present at the Pretrial Conference. If either party/witness fail to appear after being duly notified and without good cause, the Court will enter sanctions against said person(s).

(B) The parties shall discuss the case and the Commonwealth shall report its recommendation to the Court. If the Defendant (or the Court) declines to accept the offer and the case cannot be settled in any agreeable manner, the case will remain on the jury trial docket and the Court will not be bound by any plea offer after the date of the Pretrial Conference in criminal cases. Instructions are also due at the last Pretrial Conference, prior to trial.

(3) **MOTIONS**

(1) All motions to be heard before the Court must be filed in accordance with the Kentucky Civil Rules. The Movant shall be responsible for providing adequate notice to all parties/counsel.

(2) All motions, except for Default Judgements, including Motions for Summary Judgment and Judgment on the pleadings shall be noticed for an appropriate Civil Court hearing date as set out above and contain a Certificate of Service on the other party or parties. All parties shall personally appear at the designated hearing.

(4) **SUBPOENAS**

All subpoenas for witnesses to appear for Pretrial Conferences, Motions, or Trials must be presented to the local Sheriff's Office at least seven (7) days prior to the scheduled appearance. Subpoenas should be served at least three (3) business days prior to the scheduled court date. If they are not timely filed and service is not completed within the required time, no motion for continuance for lack of service will be granted except for showing of good cause. All motions for continuance due to witness unavailability must comply with RCr 9.04.

(5) **DRESS CODE**

(1) All attorneys shall dress in proper attire to appear before the Court.

- (2) NO person shall be allowed to appear before the Court while wearing hats, shorts, or tank tops, and shoes are required. Gum, food, drinks, or chew are not allowed in the Courtroom.

(6) WEAPONS

No weapons shall be allowed in the Courtroom or in any of the State Offices, such as, Circuit and District Clerks offices and the offices of the District Judge. This includes concealed weapons even though the person may have a valid permit to carry same. This rule does not include any member of law enforcement and/or Judges and prosecutors who are licensed to carry concealed in courthouses. Any person who enters these restricted areas will be subject to a search of their person and/or property on their person and any weapons found may be subject to seizure and forfeiture to the Court, and to possible criminal charges.

(7) OFFICE/COURT CLOSINGS

The Circuit/District Court Clerk's Office and District Court will be closed according to the official State Holiday Schedule. Closings due to inclement weather will also be determined in accordance with the Court and State Police policies and procedure.

(8) CONDUCT

All attorneys are to conduct themselves in accordance with the Code of Professional Courtesy. All persons appearing before the Court shall conduct themselves in a civilized manner. All persons failing to do so, may be subject to the contempt powers of the Court.

(9) CAMERAS IN THE COURTROOM

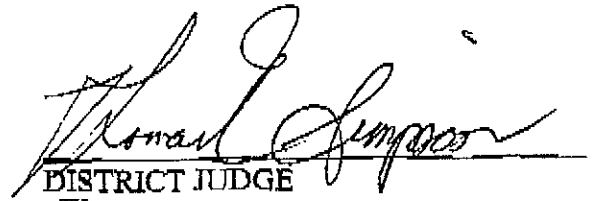
No video film/tape of Court proceedings shall be allowed as per the Court's discretion pursuant to the Rule of Proceeding.

(10) MISCELLANEOUS

(1) The clerks located in the Circuit and District Clerk's Offices are not attorneys and **CANNOT** render legal advice to anyone. If a person has a legal question, they must contact an attorney.

(2) In the event the District Judge is absent from the District and not available to preside over certain time sensitive matters, the Circuit Judge, at the request of the District Judge, may preside over juvenile proceedings that are required by law to be held within a certain time period. In such situations, the Family Court Judge, at the request of the District Judge, may preside over Preliminary Hearings if said hearings cannot be held before the expiration of time limits due to absence of the District Judge.

THESE RULES HAVE BEEN APPROVED BY THE KENTUCKY SUPREME COURT
AND ARE EFFECTIVE AS OF April 10, 2008.

A handwritten signature in cursive script, appearing to read "Thomas J. Simpson", is written over a horizontal line.

DISTRICT JUDGE
5TH JUDICIAL DISTRICT
CRITTENDEN, UNION AND WEBSTER
COUNTIES